

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

**W10b**

October 27, 2005

TO: Commissioners and Interested Persons

FROM: Charles Lester, Deputy Director
Steve Monowitz, District Manager
Susan Craig, Coastal Planner

SUBJECT: **CITY OF CAPITOLA: LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 3-04 Part C.** For public hearing and Commission action at its meeting of November 16, 2005, to be held in Los Angeles at the Westin LAX, 5400 W. Century Blvd., Los Angeles, CA 90045

SYNOPSIS

The City of Capitola is proposing to amend the Implementation Plan (Zoning Ordinance) of the Local Coastal Program to: 1) Delete Chapter 17.78 (entitled "Future Width and Special Building Lines") in its entirety and correspondingly amend sections 17.21.110 and 17.27.100 regarding setback, landscaping, and use requirements for yards; 2) Add section 17.63.090(N) regarding standards for enclosed garbage areas (please see Exhibit #1 for full amendment text).

SUMMARY OF STAFF RECOMMENDATION

Staff has reviewed the proposed Zoning Ordinance amendment for consistency with the certified Land Use Plan. Issues raised by the proposed amendments include public access and recreation and setbacks. As discussed in detail below, Staff recommends **approval** of Local Coastal Program Major Amendment No. 3-04 Part C, as submitted.

ANALYSIS CRITERIA

The Commission certified the City of Capitola's Land Use Plan in June 1981 and the City Council accepted this certification action in November 1981. The Implementation Plan was certified in January 1990 and the City accepted this certification action in April 1990. The City has organized and submitted this LCP amendment request in accordance with the standards for amendments to certified LCPs (Coastal Act Sections 30512(c), 30512.2, 30513, and 30514, and California Code of Regulations 13551 through 13553).

The proposed amendment affects the implementation plan component of the City of Capitola LCP. The standard of review for implementation amendments is that they must be consistent with and adequate to carry out the policies of the certified coastal land use plan.

**California Coastal Commission**

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from Susan Craig at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

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I. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS

Staff recommends adoption of the following resolution:

Motion: *I move that the Commission reject Major Amendment #3-04(Part C) to the City of Capitola Local Coastal Program Implementation Plan as submitted.*

Staff Recommendation to Certify Implementation Program as Submitted:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Certify Implementation Program Amendment as Submitted:

The Commission hereby certifies Implementation Program Amendment #3-04 (Part C) to the Implementation Plan of the City of Capitola Local Coastal Program, as submitted, and adopts the findings set forth below on grounds that the Implementation Plan, as submitted, conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Program will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.



II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Chapter 17.78 (Future Width and Special Building Lines)

The following City of Capitola LCP land use plan policies provide for public access to and along the shoreline, as well as protection of environmentally sensitive habitat areas, and state:

Policy II-1: *It shall be the policy of the City of Capitola to provide safe and adequate pedestrian access to and along the shoreline as designated in the Shoreline Access Plan (see Maps II-1, II-2, and II-3).*

Policy II-14: *Maintain a commitment to all existing access walkways and paths to Capitola Beach.*

Policy IV-4: *The City shall develop and acquire active park and passive open space sites sufficient to meet the recreational needs of the community.*

Policy VI-3: *It shall be the policy of the City of Capitola to maintain the maximum amount of native vegetation along Soquel Creek and other riparian areas, and to strongly support the California Department of Fish and Game in requiring a minimum flow that will support a healthy riparian habitat and permanent fishing resource in Soquel Creek.*

Policy VI-8: *The City shall maintain and, as feasible, continue to enhance the habitat values of Soquel Creek through the use of the Automatic Review Zone for the Soquel Creek Riparian Corridor and Lagoon (as designated on Map VI-1). When considering or granting a permit in this area, the City shall give special consideration to the environmental sensitivity of this area, including dedication of scenic conservation easements. In addition, the City shall encourage the use of appropriate native local riparian vegetation.*

The proposed amendment would eliminate Chapter 17.78 (Future Width and Special Building Lines) of the certified Zoning Ordinance (see Exhibit #1 pp. 1-2 for the complete text of Chapter 17.78). This Chapter provides front setback lines for specific locations in the City. Each of the certified zoning districts in the Zoning Ordinance, however, already provides front setback requirements. The City is proposing to delete Chapter 17.78 to reduce redundancy, confusion, and conflicts with other certified chapters of the Zoning Ordinance. For the most part, the deletion of Chapter 17.78 will not result in a significant change in existing setback standards.

A number of the locations described in Chapter 17.78 include developed neighborhoods (such as Monterey Avenue between Washburn Avenue and Kennedy Drive) and commercial zones (such as Bay Avenue) which are located away from important coastal access points or environmentally sensitive habitat areas. In these areas, the minor revisions to setback standards that will result from the deletion of Chapter 17.78 will not have an impact on coastal views. Some of the locations described in Chapter



17.78, however, are located near coastal access points or Soquel Creek. The following analysis demonstrates that in these locations the proposed deletion of Chapter 17.78 does not have the potential for negative impacts to coastal access, environmentally sensitive habitat, or the unique character of Capitola, which make Capitola a popular destination for coastal access and recreation.

17.78.040 Cliff Drive. Section 17.78.040 (proposed for deletion) requires a minimum 10-foot front yard setback along a 250-foot length of the inland portion of Cliff Drive near the intersection of Wharf Road. This portion of Cliff Drive is located just inland of the bluff edge adjacent to the beach and is zoned C-V (Central Village District – See Exhibit #1, pg. 6 for location). The proposed amendment (see Exhibit #1, pg. 3) adds the same language to Zoning Ordinance Section 17.21.110 (Central Village – Yard Setbacks) as the section proposed for deletion; thus, the 10-foot setback along this area of Cliff Drive will remain in effect. This setback protects coastal access and recreation opportunities by preventing development from encroaching upon public access routes, and is consistent with the pattern of existing development.

17.78.050 Park Avenue. Section 17.78.050 (proposed for deletion) requires an additional setback of 10 feet along a portion of Park Avenue, in addition to any setback now required. The affected property is a narrow strip along Park Avenue, which is City-owned and designated P/OS (Parks/Open Space) (see Exhibit #1, page 6 for location). Much of this property consists of a steep, undevelopable bluff covered with eucalyptus trees. A pedestrian path is present through the level portion of the property. This pedestrian path provides a connection to sidewalks along Park Avenue that afford lateral access along the bluff top overlooking Monterey Bay. Although the P/OS District does not provide specific development setbacks, it does require that development be subordinate to the recreational, scenic, or natural resource purposes of the parcel, and prohibits any structure or use that would defeat the purposes of this district. The P/OS District also requires Architectural and Site Review Committee approval for any proposed development that is accessory to the permitted uses of the land. The provisions of the P/OS District are adequate to provide appropriate setbacks for any minimal development that might be proposed on this parcel, such as the addition of benches or improvements to the existing path. Thus, the proposed amendment is consistent with LUP Policy II-1, regarding protection of pedestrian access to and along the shoreline.

17.78.070 through 17.78.090 – Soquel Creek. Section 17.78.070 (proposed for deletion) provides a minimum setback of 35 feet from the banks of Soquel Creek. Chapter 17.95 (Environmentally Sensitive Habitats) of the Zoning Ordinance requires a minimum 35-foot setback, but requires that this setback be measured from the outer edge of riparian vegetation. Thus, the requirements of Chapter 17.95 are more protective of the environmentally sensitive habitat of Soquel Creek than those found in Chapter 17.78. Section 17.78.070 (proposed for deletion) also provides for appeal procedures; these appeal procedures are also addressed in Section 17.46.110 of the Zoning Ordinance. Sections 17.78.080 and 17.78.090 (both proposed for deletion) address dock and deck development along Soquel Creek. Existing Section 17.95.020, however, prohibits new development within the banks of Soquel Creek and lagoon and does not provide a setback exception for decks. Thus, this section of the Zoning Ordinance is more protective of the environmentally sensitive habitat of Soquel Creek than the sections proposed for deletion.

As noted, other sections of Chapter 17.78 do not involve land with coastal resources or access. In conclusion, as proposed, deletion of Chapter 17.78, along with revisions to Section 17.21.110, are



consistent with the policies of the LUP, most notably policies VI-3 and VI-8.

B. Additional Amendments

The proposed amendment contains two additional components. The amendment modifies section 17.27.110 of the Zoning Ordinance as it applies to setback requirements in the C-C (Community Commercial) District along 41st Avenue. The proposed amendment simplifies the front yard setback requirements in this area of the City by requiring a standard 15-foot setback (see Exhibit #1, pg. 3 for proposed amendment language). This area of Capitola is located more than ½ a mile from the ocean and is intensely developed with commercial businesses. The proposed amendment does not raise any coastal issues.

Finally, the amendment adds language to Section 17.63.090(N) of the Zoning Ordinance (see Exhibit #1, pp. 4-5), which requires the City's Architectural and Site Review Committee to require that new development include adequately sized enclosed garbage and recycling areas. This aspect of the proposed amendment does not raise any coastal issues.

In conclusion, these two amendment components are approved, as submitted, because they are consistent with the general development and other provisions of the certified land use plan.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for Local Coastal Programs and amendments to them has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information that the local government has developed. Approval of the amendments, will not have significant environmental effects, consistent with the California Environmental Quality Act.

